REMARKS

Claims 1, 3- 11, 13-27 are all the claims presently pending in the application. Claims 1, 3-5, 7-11, 13, 18-21, 23, and 25-27 are amended to more clearly define the invention. Claims 1, 8, 11, 18-21, 23, and 25-27 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claims 1-20 and 26 stand rejected under 35 U.S.C. § 112, first paragraph. Claims 21-22, and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Shaffer et al. reference. Claims 23-24 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Shaffer et al. reference and further in view of the Groff reference.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention, as defined, for example, by independent claim 1, is directed to an alert control method in a mobile telephone equipment having an alert function. The method includes storing a last-communication time related to a name of a person in a phonebook database in the mobile telephone equipment, determining based on the time whether a predetermined time interval has elapsed since the last-communication time, and alerting when it is determined that the predetermined time interval has elapsed.

A second exemplary embodiment of the claimed invention, as defined, for example, by independent claim 18, is directed to a mobile telephone apparatus having an alert function. The mobile telephone apparatus including a phonebook database in the mobile telephone apparatus for storing a last-communication time related to a name of a person, and a controller for determining based on the time whether a predetermined time interval has elapsed since the last-communication time and starting the alert function when it is determined that the predetermined time interval has elapsed.

While some conventional mobile telephones store a communication history of calls that are received from and placed to a particular person, if a user forgets to check the communication history then a person who has called the user might not receive a reply from the user.

Another conventional telephone system includes a voice mail system that records the time that a person left a voice mail and the system determines whether a predetermined period of time has elapsed since the voice mail was received and provides an alert if communication with the person that left the voice mail has not been established within the predetermined period of time. However, using this conventional telephone system, a user can only be alerted about an incoming call.

An important feature of the present invention is for a mobile telephone to make an alert when a predetermined time interval has elapsed since the last-communication time with that person. Since the alert is made by the mobile telephone when the predetermined time interval has elapsed without communicating with the person, the communication can be ensured without checking the calling or called history.

Further, in stark contrast with the conventional mobile telephones, the present

invention stores data regarding the last-communication with a person and then determines whether a predetermined time has elapsed since the last-communication. This feature is important for determining whether a predetermined time interval has passed since that last talk and providing an alert on the mobile telephone when that predetermined time interval has been exceeded. In this manner, the mobile telephone of the present invention ensures that a user is able to maintain periodic communication with a person.

A feature of claims 8 and 19 is that a plurality of persons are divided into a plurality of groups in the phone book database in the mobile telephone and a before-alert time period is determined for each group. Accordingly, a before-alert time period can be automatically determined for all persons belonging in the same group, resulting in enhanced operability.

A feature of claims 11 and 20 is that an alert-inhibition time period during which alert by the mobile telephone is inhibited is stored and, when a current time of day falls into the alert-inhibition time period, alert by the mobile telephone is inhibited. Accordingly, a beeper sound or vibration by the mobile telephone is prevented from annoying people around the mobile telephone in conference or in sleep.

II. THE 35 U.S.C. § 112 REJECTION

The Office Action rejects claims 1-20 and 26 under 35 U.S.C. § 112, first paragraph for failing to comply with the restriction requirement. In particular, the Office Action alleges that the specification does not adequately describe how to determine if actual "talk" has occurred.

This Amendment amends the claims to remove all references to "talk" and to recite a last-communication time, which is clearly described by the specification at, for example, and

as cited by the Examiner, page 17, line 1 through page 18, line 10. Applicant respectfully requests withdrawal of this rejection.

III. THE PRIOR ART REJECTIONS

A. The 102(e) Shaffer et al. reference rejection

Regarding the rejection of claims 21-22 and 25, the Examiner alleges that the Shaffer et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by the Shaffer et al. reference.

The Shaffer et al. reference does not teach or suggest a mobile telephone equipment that includes a phonebook database that includes a phonebook database in the mobile telephone apparatus for storing a last-communication time related to a name of a person. As explained above, the storage of the last-communication time in the mobile telephone enables the mobile telephone to ensure communication with a person listed in the phonebook database.

In stark contrast, the Shaffer et al. reference discloses detecting a time at which the wireless communication device enters into a cell of a private network (col. 8, lines 24-35), or the time and date of an incoming call detected by the TOL server 804 (col. 12, lines 43-49). The Shaffer et al. reference is directed to determining based on the detected time whether the wireless communication device 202 stays in the cell, or routing the call to an appropriate destination based on the incoming call time.

The Shaffer et al. reference also discloses a local area network (LAN) "employing a telephony over LAN (TOL) server 804." (see Fig. 8, and col. 10, lines 58-59). "The local

area network 800 includes network cabling 802 to which are coupled a TOL server 804, a variety of personal computers 808a-808c, as well as a variety of telephones 810a-810b. The computers 808a-808c may include telephony and calendar software 809a-809c, respectively." (Col. 10, line 63 - col. 11, line 1).

The Shaffer et al. reference explains that the telephony over LAN server 804 includes "processing units 914 [that] may be configured to run a variety of software 900, which may be stored in the memory units 902. In particular, the software 900 may include a server calendar interface program 916 configured to store and/or interface with a plurality of schedules 918, a variety of different documents 920, and to maintain communication with a variety of users 922." (Fig. 9, col. 11, lines 36-43).

The enhanced call back feature that is disclosed by the Shaffer et al. reference relies upon the calendar program and interface to provide a call back reminder using a pop-up window that will appear on the caller's screen (col. 16, lines 15-38).

Therefore, the Shaffer et al. reference clearly discloses that the calendar program and interface that may provide the enhanced call back feature is provided by a telephony over LAN server 804 and which may be accessed through any of the client server's 809a - 809c. In other words, the Shaffer et al. reference relies upon a telephony over LAN server to provide the call back feature and does not provide these features in a mobile telephone.

The present invention provides a mobile telephone with the ability to ensure that communication with a person is maintained. Therefore, in stark contrast with the Shaffer et al. reference, the present invention does not rely upon any network to provide this feature. Rather, the mobile telephone itself provides this very valuable function.

Therefore, the Examiner is respectfully requested to withdraw this rejection of claims

21-22 and 25.

B. The Shaffer et al. reference in view of the Groff reference

Regarding claims 23-24, the Examiner alleges that the Groff reference would have been combined with the Shaffer et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

Specifically, as explained above, the Shaffer et al. reference is directed to switching and/or routing phone calls based upon a user's time-location data that is either based upon historical usage or from a user entered calendar along with caller-ID information which may customize the routing based upon the caller-ID information and also provides for call-back reminders when a caller is unable to establish communications with a user.

In stark contrast, the Groff reference is specifically directed to a timed telephone ring silencer that allows a user to selectively disable the ringer mechanism of a telephone attached to the silencer device for a predetermined time interval. Therefore, one of ordinary skill in the art who was concerned with switching and/or routing phone calls based upon a user's time-location data as the Shaffer et al. reference is concerned with solving, would not have referred to the Groff reference which is directed to the completely different and unrelated problem of selectively disabling the ringer mechanism of a telephone attached to the silencer device for a predetermined time interval as disclosed by the Groff reference.

Thus, the references would not have been combined, absent hindsight.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, the Examiner does not even support the combination by identifying a reason for combining the references.

Even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

As explained above, the Shaffer et al. reference does not teach or suggest a mobile telephone that includes a phonebook database in the mobile telephone for storing a last-communication time related to a name of a person.

The Groff reference does not remedy the deficiencies of the Shaffer et al. reference.

Rather, the Groff reference discloses a telephone ring silencer device, which disables the ringer of a telephone connected thereto at a predetermined time zone without pulling out is modular-plug from the modular-jack or taking the handset off-hook.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 23-24.

IV. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1, 3- 11, 13-27, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance,

the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 4/28/04

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